

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JAY HEXIMER,

Petitioner,

Civil No. 2:08-CV-14170

HONORABLE ARTHUR J. TARNOW

v.

UNITED STATES DISTRICT JUDGE

JEFFREY WOODS,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S MOTION
FOR EMERGENCY CORRESPONDENCE [DKT. # 146]**

This Court denied petitioner's habeas application brought pursuant to 28 U.S.C. § 2254, declined to issue a certificate of appealability, but granted petitioner leave to appeal *in forma pauperis*. See *Heximer v. Woods*, No. 08-CV-14170, 2012 WL 899358 (E.D. Mich. March 16, 2012); *appeal dism.* No. 12-2567 (6th Cir. May 23, 2013); *cert. den.* 135 S. Ct. 88 (2014); *reh. den.* 135 S. Ct. 1524 (2015).

On January 15, 2016, this Court denied in part petitioner's Rule 60(b) motion for relief from judgment. The Court also transferred the Rule 60(b) motion for relief from judgment and the motion to amend the complaint to the United States Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A) for authorization to file a second or successive habeas petition. The Court denied without prejudice the motions to amend the caption, for release on bail, and for the appointment of

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counsel. *Heximer v. Woods*, No. 2:08-CV-14170, 2016 WL 183629 (E.D. Mich. Jan. 15, 2016)

Petitioner has filed a motion for “emergency correspondence-irreparable harm and injury.” It is unclear from petitioner’s motion whether he wishes to be released on bail, whether he asks this Court to reconsider its prior opinions and orders, or both.

The Court denies without prejudice petitioner’s motion because the Court does not have the jurisdiction to entertain it in light of the fact that petitioner essentially filed a successive petition for writ of habeas corpus. A district court loses jurisdiction over a state prisoner’s habeas petitions when it transfers it to Court of Appeals on the ground that it is a second or successive petition. *Jackson v. Sloan*, 800 F. 3d 260, 261 (6th Cir. 2015). This Court thus lacks jurisdiction pursuant to 28 U.S.C.A. §§ 1631 and 2244(b)(3)(A) to consider petitioner’s motion to release petitioner on bail or to reconsider its earlier decisions. *Id.*, at 261-62.

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ORDER

The motion for emergency correspondence [Dkt. # 146] is DENIED
WITHOUT PREJUDICE.

S/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: February 8, 2016

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on February 8, 2016, by electronic and/or ordinary mail.

S/Catherine A. Pickles

Judicial Assistant